

ARTICLE SIX
PLANNED UNIT DEVELOPMENT

601 PURPOSE: Planned Unit Development districts are for the purpose of allowing greater flexibility in the development of real property with innovative and diverse design plans which foster a harmonious variety of land uses, and/or provide for an economy of shared services and facilities and public works, and/or promote the protection of the natural environment and establishment of permanent open spaces, and/or create efficient and compatible neighborhoods. Planned Unit Development (PUD) districts are not subject to other provisions of this Ordinance. Planned Unit Development districts may adopt regulations approving smaller lot sizes, lesser setbacks and with variation to other standards contained in this Ordinance, than would normally be allowed, provided adequate open space and/or other special amenities are provided, and the Planned Unit Development districts are consistent with the goals and policies of the Tipton County Comprehensive Plan.

602 ESTABLISHMENT AND AMENDMENT: The adoption and amendment of a Planned Unit Development (PUD) District Ordinance is established through a legislative act pursuant to IC 36-7-4-600 series and as provided for in Section 907 of this Ordinance. The establishment of a PUD district includes a legally recorded textual ordinance amendment delineating development requirements and a zone map amendment which specifically establishes the uses, restrictions, and regulations of the PUD district as authorized in I.C. 36-7-4-1508 and I.C. 36-7-4-601 (d) (2).

602.01 Planned Unit Development (PUD) districts may be established in any district as listed in Table A of the Ordinance. PUD districts are subject to the standards and purposes of this Article and the intent of this Ordinance, and must be consistent with the goals of the Tipton County Comprehensive Plan and the regulations of the Tipton County Subdivision Control Ordinance where applicable.

602.02 Planned Unit Development districts may be applied to the development of presently developed lands, or open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which located.

602.03 As part of approval of a Planned Unit Development District Ordinance, a primary plan and a secondary plan of the Planned Unit Development shall be filed and approved as specified in this Article. All development within the PUD district shall comply with the land use requirements, development requirements, and limitations and specifications of the adopted primary and secondary plans of the PUD District.

- A. Subdivision plat approval, as may be required by the Tipton County Subdivision Control Ordinance, may be obtained simultaneously as the PUD District Ordinance, if so requested by the petitioner.

603 DESIGN STANDARDS: The following design standards apply to Planned Unit Development districts:

- 603.01 All applicable design and construction standards of the Tipton County Subdivision Control Ordinance shall be met for Planned Unit Developments requiring subdivision approval.
- 603.02 Drainage systems shall be provided that meet the standards of Section 313 of this Ordinance and the standards of the Tipton County Subdivision Control Ordinance, if applicable. Planned Unit Developments which include retention ponds as part of a drainage system, may use the retention pond area when calculating for open space.
- 603.03 Principal vehicular access to the development shall be from roads capable of supporting existing traffic and the traffic that will be generated by the development. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. No streets or roads within the development shall connect to exterior streets in any such way as to encourage use of local streets as through-streets.
- 603.04 Walkways shall be provided to form a logical, safe, and convenient system. All walkways shall be located to minimize contacts with normal automotive traffic and shall have street crossings held to a minimum.
- 603.05 Private road or street right-of-ways and pavements shall be constructed in conformity with the minimum street specifications prescribed by the Tipton County Subdivision Control Ordinance.
- 603.06 If topographical or other barriers are not sufficient to assure the privacy of the adjacent or facing properties from the development, the following requirements shall be imposed:
 - A. Structures on the perimeter must be setback sufficiently to protect the privacy and amenity of the adjacent or facing properties and the development.
 - B. Screening the perimeter beyond normal bufferyards required by this Ordinance shall also be required.

603.07 The requirements determining the spacing of structures shall be as flexible as possible so as to encourage imaginative site design. The spaces between structures shall guarantee adequate light, air, and emergency access.

603.08 Utility easements and right-of-ways shall be adequate and shall be in conformity with the minimum standards prescribed by the respective utilities.

604 **DEVELOPMENT REQUIREMENTS:** Each Planned Unit Development district shall determine the specific development requirements that must be met in the PUD district.

604.01 Specific development requirements must be set out in the Planned Unit Development District Ordinance pursuant to I.C. 36-7-4-1508 and I.C. 36-7-4-601 (d) (2). These specific development requirements must determine the following:

- A. requirements for the area of front, rear, and side yards, courts, other open spaces and total lot area;
- B. requirements for site conditions, signs, and nonstructural improvements, such as parking lots, ponds, fills, landscaping, and utilities;
- C. provisions for the treatment of uses, structures, or conditions that are in existence when the zoning ordinance takes effect;
- D. restrictions on development in areas prone to flooding;
- E. requirements to protect the historic and architectural heritage of the community;
- F. requirements for structures, such as location, height, area, bulk, and floor space;
- G. restrictions on the kind and intensities of uses;
- H. performance standards for the emission of noises, gases, heat, vibration, or particulate matter into the air or ground or across lot lines;
- I. standards for population density and traffic circulation;
- J. any other provisions that are necessary to implement the purposes of the zoning ordinance.

605 **ADVISORY MEETING:** Prior to submitting an application for a PUD district, the petitioner is required to have an advisory meeting with the Planned Unit Development Administrative Officer to discuss the details and purposes of the proposed PUD district. If the PUD district request includes the subdivision of land, the advisory meeting shall be in conjunction with the Subdivision Administrator as required for subdivision approval. The petitioner shall present at the advisory meeting a sketch plan and purpose statement of the proposed PUD district. The sketch plan shall include a drawing to approximate scale of the proposed plan including, the parcel or parcels to be included in the PUD district and all owners names and addresses, and a location map showing all surrounding properties and streets or roads. If in conjunction with the subdivision advisory meeting, the sketch plan shall include all materials required by Section 302 and Section 303 of the Subdivision Control Ordinance. During this meeting the Planned Unit Development Administrative Officer, in conjunction with the Subdivision Administrator, if applicable, shall review the sketch plan, make comment as to the applicability of the plan to the Planned Unit Development purpose and procedure, determine its subdivision classification, if applicable, and give instruction on making application and the subsequent procedure for the adoption of a Planned Unit Development District Ordinance.

606 **PROCEDURE:** The adoption of a Planned Unit Development District Ordinance requires primary plan review by the Plan Commission and approval by the Tipton County Board of Commissioners and secondary plan approval by the Plan Commission.

606.01 The Planned Unit Development procedure for primary plan approval shall be as follows. This approval may proceed simultaneously with primary plat approval required by the Subdivision Control Ordinance, where applicable.

- A. An application signed and notarized by all owners of real estate included in the PUD district request along with the appropriate filing fee is filed in the Office of the Plan Commission;
- B. A submission including a site plan according to Section 903.03 B and the general development requirements of this section, and if the Planned Unit Development involves the subdivision of land, a primary plat according to Article Three of the Tipton County Subdivision Control Ordinance, is filed. The submission shall also include the following:

- 1. a drawing to scale of the site in its predeveloped state, including any existing structures, historical structures or sites and the proposed use of each.

2. a general statement of the protective covenants or maintenance agreements or horizontal property ownership documents, if applicable;
 3. a statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and if so, the order and content of each phase;
 4. an Open Space Plan which indicates the boundaries of all open space areas and designates the type and use of all open space areas and specifies the manner in which the open space shall be perpetuated, maintained, and administered;
 5. evidence that all performance standards of Section 309 shall be met. If in order to determine whether a proposed use will conform to the requirements of this Ordinance, a qualified consultant may be required to testify, whose cost for services shall be borne by the petitioner;
 6. any other information or documentation deemed necessary by the Planned Unit Development Administrative Officer.
- C. A technical review committee is held and/or written approvals of all agencies are obtained;
- D. The Planned Unit Development Administrative Officer determines if the submission is complete. If the submission is found to be incomplete, the PUD Administrative Officer shall provide in writing a statement outlining the deficiencies;
- E. Within thirty days of the filing of the application and site plan, which has been determined to be complete by the Planned Unit Development Administrative Officer, the PUD district request is docketed for public hearing before the Tipton County Plan Commission in accordance with I.C. 36-7-4-608 and Section 907 and the By-laws and Rules of Procedure of the Tipton County Plan Commission;
- F. Within ten days of public hearing, the Tipton County Plan Commission certifies, according to I.C. 36-7-4-608 and Section 907 of this Ordinance, a favorable, unfavorable or no recommendation to the Tipton County Board of Commissioners. Along with the recommendation the Plan Commission may impose reasonable conditions. Conditions may be in the form of written commitments as allowed in I.C. 36-7-4-615 and Section 907 of this Ordinance.

- G. The Tipton County Commissioners, following certification from the Tipton County Plan Commission, acts upon the PUD District Ordinance primary plan approval pursuant to I.C. 36-7-4-608 and Section 907 of this Ordinance;
- H. If approved or approved with conditions, the primary plan constitutes the establishment of a Planned Unit Development District. Primary plan approval of a PUD District does not constitute primary approval of a subdivision plat. Primary approval of a subdivision plat granted by the Tipton County Plan Commission cannot be effective until the Planned Unit Development District is granted primary plan approval by the Tipton County Board of Commissioners.
- I. Primary plan approval of a Planned Unit Development District shall be valid for one year from the date of approval of the Tipton County Board of Commissioners unless an extension is granted by the Tipton County Board of Commissioners.

606.02 No improvement location permit may be applied for nor may any development begin until secondary plan approval has been granted by the Tipton County Plan Commission. The Planned Unit Development procedure for secondary plan approval shall be as follows:

- A. Secondary plan approval for all or any phase of a Planned Unit Development District may be filed after the Planned Unit Development District Ordinance is in effect;
- B. All secondary plans and subdivision plats shall be in substantial compliance with the adopted corresponding Planned Unit Development District Ordinance and the primary plan;
- C. An application for secondary plan approval is filed in the Office of the Plan Commission and shall consist of the following:
 - 1. evidence that all conditions of primary plan approval have been met, or performance guaranteed as allowed in Section 606.02 E of this Ordinance, for any phase or all of the Planned Unit Development being applied for;
 - 2. a secondary subdivision plat, construction plans and all other required information in accordance with the Tipton County Subdivision Control Ordinance, if applicable;
 - 3. site plan and all documentation of the primary approval;

4. land use delineation of all existing and proposed structures and sites and buildable sites;
5. construction plans for all easements and public improvements drawn at a scale no more than 1" equals 50' on sheets which measure 24" x 36" and numbered in sequence. Construction plans shall consist of the following:
 - a. topographic contours at intervals of 1 foot if the general slope of the tract is less than 5% or intervals of 2 feet if the slope exceeds 5%. Contours shall be referenced to mean sea level elevations.
 - b. profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection. Approximate radii of all curves, lengths of tangents, and center angles on all streets. Where steep slopes exist, cross sections of all proposed streets at 100' stations shall be shown on a line at right angles to the center line of the street, at each lot line and at points 25 feet inside each property line.
 - c. plans, profiles and written approvals of all respective agencies showing the location and typical cross-section of all new and existing streets and utilities including curbs and gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; the location of street trees, street lighting standards, and street signs; and exact location and size of all water, gas, or other underground utilities or structures.
 - d. location, size, elevation, and other appropriate description of any other existing physical and natural features including easements, water bodies, streams, flood plains and the approximate high and low water elevations of each, trees with a diameter of 8 inches or more (measured 4 feet above ground level). All elevations shall be referred to the U.S.G.S. datum plane.

6. Drainage Plan reviewed by the Tipton County Drainage Board and the Tipton County Soil and Water Conservation District, as appropriate;
 7. Erosion Control Plan as approved by the Tipton County Soil and Water Conservation District and proof of compliance with I.A.C. Rule 4, if applicable;
 8. Final Grading Plan as certified by an Indiana registered land surveyor or engineer;
 9. Landscaping/Buffering Plan;
 10. Open Space Plan for all areas to be dedicated or reserved for public use or for the common use of all property owners including location, use, and maintenance agreement;
 11. name, address, seal, certification, and signature of the Registered Engineer and/or Land Surveyor, plus date, including all revision dates on all submitted plans and documents;
 12. signed and notarized copy of any protective covenants and horizontal property ownership and owners' association documents, and maintenance agreements of all common areas and facilities and private streets.
- D. The Planned Unit Development Administrative Officer determines if the submission is complete. If he determines the submission is found to be incomplete, the PUD Administrative Officer shall provide in writing a statement outlining the deficiencies. If the submission is determined to be complete, within thirty days it is docketed for the Tipton County Plan Commission consideration. Secondary plan approval does not require a public hearing.
- E. Before the Tipton County Plan Commission may grant secondary plan approval, all roads or streets, infrastructure, and other required improvements shall be constructed in accordance with the approved plans, or shall be performance guaranteed. The performance guarantee shall be in the amount of 125% of the estimated cost of completion of all required improvements in the form of a performance bond, irrevocable letter of credit, or certificate of deposit as prescribed by the Tipton County Subdivision Control Ordinance.
- F. The Tipton County Plan Commission shall then pass a resolution approving the secondary plan upon an affirmative finding that the plan

is complete and consistent with the primary plan as approved by the Tipton County Board of Commissioners. The decision of the Tipton County Plan Commission may be appealed to the Tipton County Board of Commissioners, if filed in writing within 30 days of the date of the decision.

- G. Before applying for any improvement location permit, performing any development or construction, or filing any required horizontal property documents, the petitioner shall record in the Office of the Tipton County Recorder the Planned Unit Development District Ordinance and all written text, drawings and documents of the secondary plan approval. One copy of the recorded secondary plan approval shall be submitted to the Tipton County Auditor. Any construction which does not fully comply with the recorded secondary plan approval is subject to appropriate enforcement action and shall be subject to fines as provided in Section 904 and 905 of this Ordinance.
- H. Secondary plan approval shall expire after a period of one year unless the secondary plan approval has been recorded as specified and is not more than 50% completed in terms of public improvements and infrastructure. Determination of completion shall be made by the Planned Unit Development Administrative Officer. If secondary plan approval expires, the petitioner must reapply for secondary plan approval in accordance with the above procedure. No improvement location permit may be applied for if the secondary plan approval has expired.
- I. In the event that no secondary plan approval is obtained after one year following primary approval for all, or a phase of, a Planned Unit Development District, the Plan Commission or the Board of Commissioners may initiate a zone map amendment following the procedure in Section 907 to remove the Planned Unit Development District designation and designate the property an appropriate zoning district.

607 AMENDMENTS: Planned Unit Developments must be constructed and developed according to the approved Planned Unit Development District Ordinance and the approved secondary plan as recorded. All recorded documents and amendments shall be binding on the petitioners, their successors, grantees, and assigns. Amendments to Planned Unit Developments as adopted and recorded shall be in accordance with Section 907 of this Ordinance and I.C. 36-7-4-600 series.

607.01 Amendments to the Planned Unit Development District Ordinance or secondary plan which constitute a minor modification may be granted by the Tipton County Plan Commission after public hearing in accordance

with I.C. 5-3-1 and the Tipton County Plan Commission By-laws and Rules of Procedure.

- A. Minor modifications are any changes that do not alter the concept or intent of the Planned Unit Development, change any land use, increase the density, reduce the open space, reduce the landscaping or buffering, change any lot line, change any structure location, alter or redesign any street, or change any protective covenants, horizontal property ownership or owners' association documents or maintenance agreements. Determination if the request constitutes a minor modification shall be made by the Planned Unit Development Administrative Officer.
- B. Minor modification requests must be submitted in writing with appropriate documentation as determined by the Planned Unit Development Administrative Officer.
- C. Minor modification requests, if determined by the Planned Unit Development Administrative Officer to be complete, will be docketed for hearing within thirty days of the submission.